

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES

September 5, 2007

7:00 P.M.

EXECUTIVE SESSION

Room 213 Town Hall

Chairman Hillman called the meeting to order at 7:00 p.m. Commission Members Present: Peter Hillman, Reese Hutchison, Pete Kenyon, Craig Flaherty, Ellen Kirby, and Alan Armstrong

Mr. Kenyon made a motion to go into executive session to discuss pending litigation. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hutchison made a motion to adjourn the executive session. Mr. Flaherty seconded the motion and it passed unanimously. The executive session was adjourned at 7:45 p.m.

GENERAL MEETING

Room 206 Town Hall

Chairman Hillman called the meeting to order at 7:50 P.M. Commission Members Present: Peter Hillman, Reese Hutchison, Pete Kenyon, and Craig Flaherty, Ellen Kirby and Alan Armstrong.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman opened the meeting by commending Ned Lewis for his service to the Commission. He welcomed Mr. Armstrong to the Commission.

Mr. Hillman read the first agenda item.

EPC-32-2007, Ian and Lisa Webb, 33 Knollwood Lane, proposing drainage improvements within a regulated area and upland review area.

Greg Liberman, Stearns & Wheler represented the applicant. He said the revised plans incorporate the Commission's concerns. The extent of the wetland restoration is increased, there are additional plantings, and the Phragmites is proposed to be removed. The back portion of the lot will be allowed to revert to natural vegetation and additional trees will be added. The wetland functions will not be impacted.

Mr. Hillman asked about the status of the previous remediation. Mr. Liberman said the work was complete and the bond was released.

Mr. Kenyon asked if they would be willing to place a row of boulders along the wetland where the neighbors are mowing. Mr. Liberman said they would be willing to do that.

Mr. Hutchison said he liked the outcome of the application the way it has evolved.

Mr. Flaherty said he accepts the expert testimony that the functions of the wetland will be maintained or improved.

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Mr. Hillman made a motion to approve the application. Mr. Kenyon seconded the motion and it passed 5-0. Mr. Armstrong abstained.

Mr. Hillman read the next agenda item.

EPC #46-2007, Peter Venezia, 93 Rose Lane, proposing the installation of a fence within the regulated area adjacent to the Noroton River.

Mr. Venezia represented himself. He described the fence location and type of fence.

Mr. Hutchison made a motion to approve the application. Ms. Kirby seconded the motion and it passed 4-0. Mr. Flaherty and Mr. Armstrong abstained.

Mr. Hillman read the next agenda item.

EPC-33-2007, Jeffrey Marston, 49 Goodwives River Road, proposing a house addition and septic system within an upland review area.

Mr. Hillman said for the record that he listened to the tapes of the previous public hearing on this application.

The Commission discussed the draft resolution and made changes. Mr. Hillman made a motion to approve the application. Mr. Hutchison seconded the motion and it passed 5-0. Mr. Armstrong abstained.

Mr. Hillman read the next agenda item.

EPC-24-2007, Hoyt Street Partners, LLC, 285, 289 & 293 Hoyt Street, proposing condominium construction and related site development within an upland review area..

Mr. Flaherty was recused for this application.

Mr. Hillman said for the record that he listened to the tapes of the previous public hearing on this application.

Mr. Hillman thanked Attorney Bruce Hill, Don Ferlow, Denise Halstead and Joe Canas for their participation. He said the application stands on its own merit.

The Commission reviewed the draft resolution and made revisions.

Mr. Hillman made a motion to approve the application. Mr. Kenyon seconded the motion and it passed 4-0. Mr. Armstrong abstained.

Mr. Hillman read the next agenda item.

EPC-37-2007, Murat Akgun and Katherine Uniacke, 71 Stony Brook Road, proposing a sanitary sewer line within a regulated area.

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Mr. Kenyon said he was disturbed that trees were removed during the application process. He is concerned that it will cause flooding next door.

Mr. Hillman said he would like to add language including a strong recommendation to plant trees on the south side of the property.

Mr. Kenyon suggested a planting plan be required. Mr. Hillman said the area is out of their jurisdiction but the Commission can add language to the resolution that the Commission was disturbed by the removal of the trees.

Staff was requested to revise the draft approval for review at the next meeting.

Mr. Hillman read the next agenda item.

EPC-51-2007, Friends of Goodwives River, Inc. 20 Driftway Lane, proposing to dredge a pond.

Richard Windels represented the applicant. He said they are proposing to dredge a pond on Tokeneke Brook. They are also proposing to repair the overflow spillway and remove invasive Elodea.

Mr. Hillman made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC-52-2007, Toni H. Worth, 11 Highfield Lane, proposing to dredge a pond and repair walls.

Toni Worth represented herself. Mrs. Worth said she has asked Mr. Windels to prepare additional application material for the Commission to review at the next meeting.

EPC-53-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing golf course improvements mitigation measures to address wetland violation.

Attorney Edward O'Hanlan represented the applicant.

The Commission determined that there may be a significant impact on the regulated area and that a public hearing is in the public interest. The Commission scheduled the public hearing on this the application for October 3, 2007.

Mr. Hillman read the next agenda item.

EPC-56-2007, Danielle Cambridge, 19 Renshaw Road, proposing demolition of existing residence and construction of new residence within the upland review area

Tuon Nguyn, P.E., and Danielle Cambridge represented the applicant.

The Commission determined that a public hearing would be in the public interest because of flooding in the area. The Commission requested the applicant's engineer look for additional mitigation measures which could be undertaken on the property.

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The Commission scheduled the public hearing for October 3, 2007.

Mr. Hillman read the next agenda item.

EPC-58-2007, Town of Darien, Goodwives River Road, proposing sanitary sewer installation.

Mr. Hillman said the application appeared to be very complete. Staff was requested to draft a resolution of approval for the next meeting.

Mr. Hillman read the next agenda item.

EPC-57-2007, Hallie Palen, 45 Brookside Road, proposing a fence within the upland review area.

Mr. and Mrs. Palen represented themselves.

Mr. Flaherty asked if the fence would be an extension of the existing fence to the property line.
Mrs. Palen said yes.

Mr. Flaherty made a motion to approve the application. Mr. Hutchison seconded the motion and it passed unanimously.

The following items were held over to the September 26, 2007 meeting.

EPC-54-2007, Donald W. Maley, Jr., 297 Brookside Road, proposing a house addition within the upland review area.

EPC-55-2007, Joanne and Dan Manghirmalani, 38 Rocaton Road, proposing landscaping and drainage improvements

EPC 17- 2006, Conrad and Mallory Weymann, 62 Deep Wood Road, requesting permit amendment to revise driveway location within the regulated area.

Mr. Hillman read the first public hearing item.

Continuation of Public Hearing regarding EPC-36-2007, Peter Greenberg, 7 Buttonwood Lane, proposing demolition of an existing house and new house construction within an upland review area. (continued from August 1, 2007).

Bob Oley, P.E. Land-Tech represented the applicant. He said they have amended the plan and revised the storm water calculations in response to Denise Halstead's letter.

Mr. Feehan, Buttonwood Road said he would like to have Ms. Halstead review the revised plans.

Mr. Oley commented on the items in Ms. Halstead's letter:

1. The time of concentration was revised.
2. The detention system was revised to eliminate the northerly system and enlarge the southerly system to include an infiltration blanket under the driveway.

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3. Percolation tests were done but they assumed zero infiltration. There will be less impervious surface excluding the gravel drive.
4. The depth of the infiltrators was changed to 20" from 26"
5. The amount of cover over the recharge units is 12" and is sufficient.
6. The basement elevation and proposed footing drain outlet information was addressed.
7. The filling in the southern portion of the lot was eliminated.
8. The pool orientation will be changed to a North South orientation.
9. The Cultech units were removed to avoid the trees.
10. A yard drain is proposed in the terrace to be directed to the drainage structure.
11. The 6" clay pipe will be replaced.

Mr. Oley said Tom Ryder will address items 12 and 13.

14. The development will not make a significant contribution to the flow in Buttonwood Lane.
15. A gravel driveway is proposed in lieu of grass pavers.

Mr. Ryder discussed items 12 and 13.

12. The width of the plantings along the brook is wide enough. The slopes are not steep and there is adequate protection while still providing lawn.
13. The applicant considered naturalizing the easterly side of the brook. They wanted to maintain some recreation area and, therefore concentrated the plantings to the south side.

Mr. Hillman asked about the pool dimensions and the closest point to the wetland. Mr. Oley said the patio is 28 feet at the closest point and the pool is 31 feet.

Ms. Kirby asked if the pool retains water rather than displace it. Mr. Oley said the water that falls within the limits of the pool is retained if the pool is not full and the patio sheds water.

Mr. Flaherty said there are two concerns regarding the pool: hydrology during rainfall events and also the ecological impact from the loss of recharge, vegetation, etc.

Mr. Hillman asked about the 28 trees to be removed, seven of which are in the upland review area. Mr. Ryder said four of the trees within the pool area are proposed to be removed.

Peter Greenberg said they will look into moving the pool. Mr. Flaherty suggested they may be able to move the patio into the building setback area.

The Commission continued this hearing until September 26, 2007.

Mr. Hillman read the next hearing item:

Continuation of Public Hearing regarding EPC-45-2007, Robert Dickson, Jr., 50 Deepwood Road, proposing a swimming pool within an upland review area. (continued from August 1, 2007).

Jeff McDougal, Seymour Associates, represented the applicant.

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Mr. Hillman asked the dimensions of the pool to the wetland. Mr. McDougal said it will be 25 feet on the east side and 15 feet on the west side.

Mr. Flaherty asked about the proposed plantings and if they include plants previously required.

Mr. Hillman asked for a narrative regarding the history of the application.

Mr. Kenyon asked for the plan to show equipment locations and mandatory pool fence.

Because of the time limits required to close the public hearing, the Commission asked the applicant if they could respond at least a week prior to the next meeting. Mr. McDougal conferred with his client and withdrew the application. They will re-submit and respond to the Commission's concerns.

Mr. Hillman read the next hearing item:

EPC-42-2007, Country Club of Darien, 300 Mansfield Avenue, proposing golf course renovations within regulated areas and upland review areas

Mr. Hillman noted that Mr. Hammons was in attendance and had filed a report reviewing the application on behalf of the Commission.

Attorney William Hennessey represented the applicant. He said the Country Club owns a large property with little road frontage. The club is surrounded by homes and is bisected by the Goodwives River. They are looking at a top to bottom renovation of the facility.

Due to the late hour, Mr. Hillman noted that the next hearing would not go forward with testimony. He read the next hearing item:

EPC #50-2007, PL Partnership, LLC, 3 Purdy Lane, proposing to subdivide the existing 2.5+/- acre property and construct four residential lots and two open space lots within the upland review area adjacent to Holly Pond.

The hearing was opened and immediately continued to September 26 at 7:30.

The hearing on EPC-42-2007 resumed.

Don Ferlow of Stearns & Wheeler described the project. He said the Club had considered alternatives which changed the golf holes much more significantly. He said Dr. Herten's plans did renovations much more discretely. He said the changes proposed are necessary to modernize the course to current standards of play and safety.

Mr. Ferlow described the improvements. He said they are replacing and adding to trees, providing better drainage, and planting grasses which use less water. They are also reworking and upgrading greens. Improvements are also proposed to the pond, and they are providing stilling ponds on holes 13 and 16.

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Mr. Ferlow said they have provided updated maps to respond to Mr. Hammons' comments.

Mr. Hillman asked if there were any members of the public who wished to be heard.

Liz Dwyer of Buttonwood Road asked how the project would affect water on her property. Mr. Ferlow said the previous pond expansion had helped Buttonwood Road. He said the new stilling basins have some storage but they are a drop in the bucket compared to the Goodwives River flow. He said there will be a slight improvement and no increase in flow.

Mr. Hammons said that the applicant's statement in the report that there will be no measurable increase in flow is a true statement. He said there will be some positive effect but he would have to see the grading on the other parts of the course. Mr. Hillman asked the applicant to provide Mr. Hammons with that information.

Karen Gregorich of Buttonwood Lane said the 2004 renovations impacted them and they now have a constant pond on there property. Mr. Hillman asked Mr. O'Neill and Mr. Ferlow to meet with Mrs. Gregorich to review her drainage.

The public hearing was continued to September 26, 2007.

The Commission reviewed the following minutes of previous meeting.

Mr. Hillman made a motion to approve the minutes of April 4, 2007. The motion was seconded by Ms. Kirby and passed 5-0. Mr. Armstrong abstained.

Mr. Hutchison made a motion to approve the minutes of April 11, 2007. The motion was seconded by Ms. Kirby and passed 4-0. Mr. Hillman and Armstrong abstained.

Mr. Hillman made a motion to approve the minutes of May 2, 2007. The motion was seconded by Mr. Hutchison and passed 5-0. Mr. Armstrong abstained.

Mr. Hillman made a motion to approve the minutes of May 15, 2007. The motion was seconded by Mr. Hutchison and passed 5-0. Mr. Armstrong abstained.

Mr. Hillman made a motion to approve the minutes of June 6, 2007. The motion was seconded by Mr. Hutchison and passed 5-0. Mr. Armstrong abstained

Ms. Kirby made a motion to adjourn. Mr. Hutchison seconded the motion and it passed unanimously. The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer